

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD C. HOLLENBECK,

Plaintiff,

v.

JARED HOY, et al.

Defendants.

ORDER

Case No. 24-cv-417-wmc

Plaintiff Richard C. Hollenbeck has filed a proposed civil complaint but has neither paid the filing fee nor requested leave to proceed without prepayment. For this case to proceed, plaintiff must pay the \$405 filing fee¹ or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than July 17, 2024.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff is indigent, I will calculate an initial partial payment of the filing fee that plaintiff must pay before the court can screen the complaint on the merits under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

Plaintiff also filed a motion to use release account funds to pay the entire fee for filing this case. (Dkt. #2). That request is denied. If a prisoner does not have sufficient funds in a regular inmate account to make an initial partial payment, then the prisoner may withdraw

¹ Effective December 1, 2023, the cost to file a civil action in federal court is \$405 — a \$350 statutory fee plus a \$55 administrative fee that does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.

funds from a release account. *Carter v. Bennett*, 399 F. Supp. 2d 936, 937 (W.D. Wis. 2005). However, nothing in the fee collection provision of § 1915 can be read as requiring the state to allow a prisoner to pay the entire balance of a federal court filing fee from a release account. *Id.*

ORDER

IT IS ORDERED that,

1. Plaintiff Richard C. Hollenbeck may have until July 17, 2024 to submit the \$405 filing fee or a motion for leave to proceed without prepayment and a trust fund account statement for the period beginning approximately December 24, 2023 and ending approximately June 24, 2024. If, by July 17, 2024, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.
2. Plaintiff's motion for use of release account funds to pay the entire filing fee in this case (Dkt. #2) is DENIED.

Entered this 24th day of June, 2024.

BY THE COURT:

/s/
Andrew R. Wiseman
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

RICHARD C. HOLLENBECK,

Plaintiff,

v.

JARED HOY, et al.

Defendants.

ORDER

Case No. 24-cv-417-wmc

**PRISONER REQUEST TO PROCEED IN DISTRICT COURT
WITHOUT PREPAYING THE FULL FILING FEE**

Answer the following questions to the best of your ability.

Note: If you do not tell the truth, the court may dismiss your lawsuit.

I. Personal Information

1) Your name: _____

(a) State the place of your incarceration and provide your prisoner identification number:

_____	_____
(place)	(number)

(b) Are you employed at the institution? ☐ Yes ☐ No

(c) Do you receive any payment from the institution? ☐ Yes ☐ No

Attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of this request and showing the current balance of your account.

2) Do you have any dependents that you are responsible for supporting?

☐ Yes ☐ No

If "yes," list them below.

<u>Name or initials (for minor children only)</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Amount of Support Provided per Month</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

II. Property or Assets: - If you are married, your answers must *include your spouse's property*.

1) Do you own a car?

☐ Yes ☐ No

If "yes," list the car(s) below:

<u>Make and Model</u>	<u>Year</u>	<u>Approximate Current Value</u>
_____	_____	\$ _____
_____	_____	\$ _____

2) Do you own your home(s)? ☐ Yes ☐ No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the home(s)? \$ _____

3) Do you have any cash or checking, savings, or other similar accounts?

☐ Yes ☐ No

If "Yes," state the total of such sums. \$ _____

4) Do you own any other property of value, such as real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k), artwork, or jewelry?

☐ Yes ☐ No

If "Yes," describe the property and the approximate value(s).

III. Litigation History

For each federal lawsuit that you recall having filed, list as much of the following information that you remember about each case: The name of the case (that is, the plaintiffs and the defendants), the case number or year of filing, and the federal district in which you filed the case. Use more paper if needed.

Case Name (Plaintiffs and defendants)	Case number (or year of filing)	Federal district
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IV. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

I, _____, declare that I am the plaintiff bringing this complaint. I declare that I am unable to prepay the full filing fee and that I am entitled to the relief sought in the complaint.

Date

Signature - Signed Under Penalty of Perjury